



UNITED STATES DISTRICT COURT DISTRICT OF OREGON

ELECTRONICALLY FILING CIVIL CASES - FAQ'S

Introduction

This document is meant to answer the most common questions regarding the electronic opening of new civil cases by attorneys, including a Filing Checklist. Additional training information is found in the CM/ECF User Manual and on the Court's website.

Frequently Asked Questions

- ***Can an attorney open a new civil case electronically in CM/ECF?***
Yes. As of April 2, 2012, attorney Registered Users were given permission to electronically open their new civil cases in CM/ECF. Effective May 1, 2012, it is mandatory for attorneys who are Registered Users to open their new civil cases electronically. Self-represented parties (including prisoners) are not permitted to open new cases electronically.
- ***Can I electronically open a new sealed case or a criminal case?***
No. Sealed cases and criminal cases must be opened by delivering the case initiating documents to the Clerk's Office.
- ***How do I electronically "open" a new civil case?***
An attorney can open a new civil case electronically according to procedures described in the CM/ECF User Manual and summarized in the Filing Checklist (attached). When you open a new case, you will enter data about the filing party and attorney, e-file case initiating documents, and pay the filing fee or apply for *in forma pauper* status. During this process, you are to include a Civil Cover Sheet and may also submit a completed summons(es) for issuance by the Clerk's Office.
- ***Can I electronically open a new civil case 24/7?***
Yes. Case initiating documents may be filed electronically at any time, and you may also pay the filing fee or apply for IFP status electronically when you initiate your case.
- ***When will the Court process the new case?***
The Clerk's Office will complete its case opening process, including the issuance of summons and generation of scheduling orders, on the next regular business day after a case has been opened electronically.
- ***What happens if I open a case in error or by mistake?***
Contact the Clerk's Office for assistance Monday-Friday during normal business hours.
 - For Portland and Pendleton cases, call (503) 326-8000
 - For Eugene cases, call (541) 431-4100
 - For Medford cases, call (541) 608-8777
- ***How do I pay the case opening filing fee?***
You are to pay the case initiation fee by credit card via Pay.gov during the filing of the complaint, petition, or notice of removal transaction. The Pay.gov screens will not appear for those filers who indicate that they are concurrently filing an application to proceed *in forma pauperis* (IFP Application) or filing a new case on behalf of the United States of America.

- ***How do I ask for a refund of a duplicate fee payment?***

E-file a written request that includes the name, address, and telephone number of the payor using the CM/ECF event titled Request for Refund of Fees Paid Electronically. (See Internet Credit Card Payments in CM/ECF – Pay.gov and Standing Order 2011-9.)

- ***When do I file an IFP Application?***

When representing a party wishing to proceed *in forma pauperis*, file the IFP Application as the next event following the complaint. Pursuant to LR 3-4(b), the Application will be conditionally granted and will not delay the filing, assignment, and statistical opening of the case pending final review of the application by the Court.

- ***How is a judge assigned to the case?***

A judicial officer will be assigned to the case upon completion of e-filing the complaint or other case initiating document. There are limited circumstances in which the assignment of the judge may occur following the case opening process by the Clerk's Office. You will receive a Notice of Electronic Filing (NEF) as the Clerk's Office staff enters the Discovery and Pretrial Scheduling Order and Case Assignment Notice on the docket when processing the newly e-filed case.

- ***How do I determine the proper division jurisdiction?***

The divisional offices of the District and corresponding counties and codes established to identify divisional venue are in LR 3-2 as:

- (1) **Portland Division (Division Code is 3)**

Clackamas, Clatsop, Columbia, Hood River, Jefferson, Multnomah, Polk, Tillamook, Wasco, Washington, and Yamhill.

- (2) **Pendleton Division (Division Code is 2)**

Baker, Crook, Gilliam, Grant, Harney, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, and Wheeler.

- (3) **Eugene Division (Division Code is 6)**

Benton, Coos, Deschutes, Douglas, Lane, Lincoln, Linn, and Marion.

- (4) **Medford Division (Division Code is 1)**

Curry, Jackson, Josephine, Klamath, and Lake.

- ***Can an attorney still file a new civil case over the counter or through the regular mail?***

As of May 1, 2012, it is mandatory for an attorney to open civil cases electronically unless the case is to be sealed and if accompanied by a motion to seal or if the attorney is not yet a Registered User in this Court.

- ***How do I get my summonses issued?***

The Clerk's Office will download and electronically issue the proposed summons that the plaintiff uploaded as an attachment to the complaint. The plaintiff will receive an NEF for the issued summons and must print the summons(es) for service on the defendant(s). In addition to service of the summons and complaint, plaintiff is reminded of the additional service requirements for the case assignment notice, consent to jurisdiction by a magistrate judge forms, and scheduling order as required in LR 3-5 and described in LR 16-1.

- ***Am I responsible for redacting the information in the filings?***

Yes. The responsibility to redact filings, pursuant to Fed. R. Civ. P. 5.2, rests with the attorney and the party making the filing. Please note that the Clerk's Office is not required to review documents filed with the Court for compliance with Fed. R. Civ. P. 5.2. (See also LR 5.2.)

- ***What types of information must I redact?***

In compliance with Fed. R. Civ. P. 5.2, all filers must redact:

- Dates of Birth – redact to the year of birth;
- Names of Minor Children – redact to the initials;
- Social Security Numbers or Taxpayer Identification Numbers – redact to the last four digits; and
- Finance Accounting Information – redact to the last four digits.

• ***How do I enter the names of the parties?***

Follow the [Conventions and Standards](#) section in the CM/ECF User Manual when entering parties. Do not create a new party in the Court's database if a party's name perfectly matches an existing party record. Select the matching party record if the character strings for the existing party record match the typed name of the party in your case. You are not required to verify that the matching name refers to the same person. If a matching party record does not exist, create a new party by clicking on the Create New Party button.

• ***What is the maximum file size for any PDF file uploaded into CM/ECF?***

In Oregon, the maximum file size for any individual PDF file uploaded into CM/ECF is 10 megabytes (MB). If you need to break up the submission into smaller files, remember that multiple PDF files can be associated with a single event or filing.

• ***What will happen if I forget to enter a party or make a mistake during the opening of the new case?***

You should contact the Clerk's Office to report any mistakes made during the opening of the case so that corrective action can be taken. All new cases, including the statistical information supplied during case opening and all parties named in the case initiating documents, will be quality checked by staff in the Clerk's Office against the documents uploaded in CM/ECF. Additional actions, including entry of administrative corrections of the record or other judicial action, may be necessary to correct the Court's record.

• ***What if I also have a motion for a temporary restraining order or preliminary injunction accompanying my complaint?***

During the e-filing process, the filer will be asked by the system if the complaint is accompanied with a request for a temporary restraining order or preliminary injunction. If yes, after you have completed the transaction to electronically file your complaint (and, as appropriate, IFP Application), electronically file your motion request by clicking Civil on the blue tool bar, then go to the Motions menu and select the appropriate relief type(s) from the Available Events list.

• ***Where can I find training materials to make sure I know how to open a new civil case electronically?***

Follow the procedures and processes described in the Court's CM/ECF User Manual available on the Court's website. Also available are several case opening and e-filing training videos as well as other resources. Questions may be directed to the Clerk's Office by calling any divisional office intake counter during normal business hours.

Filing Checklist

This checklist is to assist you in the preparation and electronic opening of a new civil case in our Court. More detailed instructions may be found in the [CM/ECF User Manual](#) available on the Court's website.

Before opening a new case in CM/ECF	<ul style="list-style-type: none"> • Have you completed a Civil Cover Sheet? • Are all of the files to be uploaded into CM/ECF in PDF, text-searchable format? • Are the summonses to be issued by the Court ready for upload as an attachment to the complaint?
Payment of the filing fee	<ul style="list-style-type: none"> • Do you have the credit card information available or the IFP Application prepared?

Opening a new civil case shell	<ul style="list-style-type: none"> • Log into CM/ECF using your ECF login and password for electronic filing permissions; • Click on the Civil menu on the main blue tool bar; • Click on Open a Civil Case; and • Respond to and complete the statistical prompts and screens.
Entry of case initiating documents	<ul style="list-style-type: none"> • After completing the opening of the case, click on the link to Docket Lead Event. That link leads to the events under the Initial Pleadings, Complaints, and Petitions menu. • Select your case initiating document from the Complaint and Petitions Available Events list.
Attachments to the case initiating documents	<ul style="list-style-type: none"> • Upload the Civil Cover Sheet as an attachment. Select “Civil Cover Sheet” from the Category drop down list to describe the attachment. • Upload the proposed summons(es) to be issued as the next attachment. Select “Proposed Summons” from the Category drop down list to describe the attachment.
Paying the new case filing fee	<ul style="list-style-type: none"> • During the filing of your complaint or other case initiating document, indicate the payment method by selecting one of four available options: <ul style="list-style-type: none"> °I will pay the fee using pay.gov. °I will file a motion for leave to proceed <i>in forma pauperis</i>. °I am an Assistant U.S. Attorney and exempt from paying the filing fee. °I am exempted by 38 U.S.C. section 4323 or 28 U.S.C. section 1916 from paying the filing fee. • By selecting the first option, you will pay the filing fee with a credit card. For additional information, see Credit Card Payments in CM/ECF available on the Court’s website.
Filing a Motion Application to Proceed In Forma Pauperis	<ul style="list-style-type: none"> • If you are requesting to proceed <i>in forma pauperis</i>, you must electronically file the motion application to proceed IFP immediately after e-filing your complaint or other case initiating document.